

EXHIBIT A

DIANA MEY

'A feisty housewife & one-woman army battling the businesses who bug us on the phone.' -
Dateline NBC 7/16/02

The place to learn how to kick telemarketers off the line and out of your life!

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Welcome to DianaMey.com

It started in 1998 with a series of intrusive telemarketing calls by a Sears affiliate pitching vinyl siding. My protestations and letters asking them to stop were ignored and the calls continued, months on end.

Thus began a lengthy legal battle pitting me – at the time a stay at home mom of three young sons – against an industry. I invoked a little known federal law that awarded consumers money for telemarketers' violations – the Telephone Consumer Protection Act.

Diana as the proverbial David ultimately prevailed against Goliath Sears, snagging an interview in USA Today and with Matt Lauer on the set of the Today Show as well as a spot on Dateline NBC and a mention in [People Magazine's](#) 1999 Twenty Five Most Intriguing People issue.

It's just as clear today that people despise telemarketing – something confirmed by the immense [popularity](#) of the National Do Not Call registry. You can add your residential land and wireless lines to the registry by clicking [HERE](#). They will remain on the registry until you remove or relinquish them.

Congress refers to those who do what I do – bring lawsuits in the public interest – as "private attorneys general". What's more, Congress expressly included a "private right of action" provision in the statute, meant to encourage consumers to stand up for their rights. If filing suit is outside your comfort zone, you can still do your part by reporting scofflaws to the Commission [here](#).

Since Sears, I've continued to act in the public interest against a variety of entities that habitually flout the law:

- Mey vs Discover Card – Privacy advocate wins \$19,500 in [ruling](#)
- [Anti-Telemarketers Send Out of Very Busy Signal](#)
- [Fed Up with Irritating Phone-Sales Pitches, Diana Mey Scores a Ringing Victory for the Sweet Sound of Silence](#)
- [Mey v. Herbalife International, Inc., Civil Action No. 01-C-263](#) (Circuit Court of Ohio County, W.Va.) – \$7 million nationwide class action settlement alleging violations of the federal Telephone Consumer Protection Act
- Mey vs Global AG LLC – \$10,086,596.50 largest [judgment](#) against a debt collector in history. Despite the fact that we owed no money, Global's collectors [threatened](#) me with sexual assault.
" " " " ABC's Nightline provides details [HERE](#)." " " "
- Mey vs. North American Bancard, LLC – Class Action pending in US District Court for the Eastern District of Michigan Case No: 2:2014cv11331.
- Mey vs Monitronics International, Inc.; Versatile Marketing Solutions, Inc. d/b/a VMS Alarms; and UTC Fire and Security Americas Corp, Inc. – Class Action pending in US District Court for the Northern District of West Virginia Case No: 5:11-CV-90.
- Mey vs Frontier Communications Corporation – Class Action pending in the US District Court of Connecticut Case No: 3:2013cv01191.
- Mey vs Interstate National Dealer Services, Inc. et al – Class Action pending in the US District Court for the Northern District of Georgia. Case No: 1:2014cv01846.
- Mey vs Honeywell International, Inc. et al – Class Action pending in the US District Court for the Southern District of West Virginia. Case No: 2:2012cv01721.

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Anti-Telemarketing Guide

If you are consumer residing in the United States, it really is possible to put an end to commercial telephone solicitations to your personal residential and wireless phone numbers. The easiest way is to add these telephone numbers to the National Do-Not-Call Registry.

THE NATIONAL DO NOT CALL REGISTRY

The **Do Not Call Registry** is free, is nationwide in scope, applies to all telemarketers (with the exception of certain tax-exempt non-profit organizations), and covers both interstate and intrastate telemarketing calls. Commercial telemarketers are not allowed to call if your number is on the Registry. Click here to **register**. To register by telephone, consumers may call 1-888-382-1222; for TTY call 1-866-290-4236. You must call from the phone number you wish to register.

Thirty one days after you place these numbers on the national Do-Not-Call list, commercial telemarketers are prohibited from making telephone solicitations to your numbers. Keep in mind that your number(s) will remain on the list permanently or until you remove them or discontinue service.

The national Do-Not-Call list protects home voice or personal wireless phone numbers only. While you may be able to register a business number, your registration will not make telephone solicitations to that number unlawful.

A telephone solicitation is defined by the FCC as a telephone call that acts as an advertisement. The term does not include calls or messages placed with your express prior permission, by or on behalf of a tax-exempt non-profit organization, or from a person or organization with whom you established a business relationship (EBR).

An EBR exists if you have made an inquiry, application, purchase, or transaction regarding products or services offered by the person or entity involved. Generally, you may continue to do business with a company yet put an end to that relationship for the purposes of telemarketing calls simply by telling the person or entity not to place solicitation calls to your home. Otherwise an EBR is only in effect for 18 months after your last business transaction or three months after your last inquiry or application.

I have made a habit of telling businesses that in spite of my inquiry or any business relationship, I don't want to receive telemarketing calls from them about additional goods or services. If you end a business relationship with a company in this manner, all calls placed to your home or wireless numbers by that person or entity are considered telephone solicitations in violation of the do-not-call rules.

COMPANY SPECIFIC DO NOT CALL LISTS

Some people choose not to add their phone numbers to the National Registry, but rather screen solicitation calls on a case-by-case basis. Under this scenario, the FCC still requires a person or entity placing telephone solicitations to your home or wireless number to maintain a record of your request to that particular person or business entity. Under these circumstances, the calling company must honor your do-not-call request for five years. To prevent calls from that particular company after five years, you will need to repeat your request to the company and it must honor it for another five years (and so on). Your request should also stop calls from affiliated entities if you would reasonably expect them to be included, given the identification of the caller and the product being advertised. Unless your phone numbers are registered on the national Do-Not-Call list, however, under this scenario you would be required to make a separate do-not-call request to each telemarketer from whom you do not wish to receive calls.

When you receive telephone solicitation calls, clearly state that you want your phone number added to the caller's do-not-call list. You may want to keep a list of those persons or businesses with whom you have made this request. While tax-exempt non-profit organizations are not required to keep do-not-call lists, many will honor a do not call request, nevertheless.

THE TELEPHONE CONSUMER PROTECTION ACT

The Telephone Consumer Protection Act as enacted in 1991 is an amendment to the 1934 Communications Act. (47 U.S.C. § 227 - 47 C.F.R. Part 64 Subpart 1200).

The TCPA places conduct, record keeping, and disclosure requirements on ANY AND ALL entities engaged in telephone solicitations. These entities, for example, must:

- Limit calls to your residence to between 8 a.m. and 9 p.m. (in your time zone);
- Proactively tell you the individual caller's name as well as the name and address or phone number of the entity on whose behalf the call is initiated;
- Maintain a written Do Not Call telemarketing policy and make that policy available within a reasonable period of time to anyone who asks for a copy;
- Maintain an in-house database by phone number of consumers who have issued a do-not-call request;
- Transmit accurate Caller ID information.

Failure to comply with any of the above may result in a civil penalty of \$500 payable to you. If a call is determined to be willful and/or knowing, the penalty can be tripled to \$1,500 per violation. In the case of live calls, you must receive two calls from the same entity within a 12 month time period before a private-right-of-action is enabled (i.e., before you can file suit). In the case of prerecorded/auto dialed calls (which are considered to be the most annoying), you don't have to wait for two calls because the first call enables a private-right-of-action.

It's important to remember that while you might collect some cash as a self-appointed telemarketer cop, don't plan on getting rich. Your motives should be to stop the calls to your home and to make it expensive for them to telemarket illegally. If even a small fraction of consumers made telemarketers jump through the hoops required by the TCPA, telemarketing would cease to be a profitable endeavor.

It's important to also report telemarketing violations to the Federal Communications Commission online at [Do Not Call.com](http://DoNotCall.com). It's simple and it provides the Commission with the information they need to levy hefty fines against the most egregious violators.

In addition, many state Attorney Generals have cracked down on telemarketers and generally you can also file a complaint and request that your Attorney General get involved. If you state Attorney General receives several complaints against the same telemarketer, it may take legal action against it. You should be able to find telephone numbers for these offices in the government section of your telephone directory or by Googling your state AG.

HOW CAN I PERSONALLY COLLECT MONEY FROM A TELEMARKETER?

It is possible to collect money from telemarketers for their illegal telemarketing practices. The first step is to write a formal "demand" letter to the president of the company, stating that the letter is a formal claim for money (state the amount you're claiming) for violations of the Telephone Consumer Protection Act of 1991. Nolo press provides some good examples of [demand letters](#).

You'll want to set forth all of the details of the calls, including dates, times, the name of the persons who called, names of any supervisors you spoke to, the date you requested to be put on the Do-Not-Call List, and anything else you feel is pertinent. [Junkbusters](#) has a great anti-telemarketing script that helps you ask the right questions when a telemarketer calls so that you'll have all this info at hand when you get ready to write your demand letter.

State in your letter how you arrived at the amount you're claiming. Remember that the law says \$500 for each violation but if it is determined that the violations were willful and knowing, that amount can be increased to up to \$1,500 for each violation. If you're willing to settle for a reduced amount (an "offer-in-compromise"), state that you're willing to negotiate. While it is important to give them a reasonable amount of time to respond (like 30 days), it is also important to include a deadline for responding. Tell them if you haven't heard from them by the deadline, you will seek redress in Court. It's also important to send the letter Certified Mail, Return Receipt Requested.

In your letter, be sure to ask for a copy of the company's written Do-Not-Call policy. Failure to provide it can increase your claim by another \$500!

If the company fails to respond, or declines your offer-in-compromise, you have the option of filing suit in your State's small claims court. While this latter option can be an extremely intimidating experience and is not for the faint of heart, there are many consumers – myself included – who have gone this route and successfully prevailed against telemarketers. When I started holding telemarketers accountable to the TCPA in 1999, there weren't many lawyers out there who had even heard about the Act. These days there are a number of lawyers throughout the country representing consumers in TCPA cases. For a list of lawyers familiar with TCPA cases visit tcpalaw.com.

NOTE: This represents a lay person's overview of the law. It does not pretend to be a thorough explanation of the law, nor does it attempt to offer legal advice. If you intend to make full use of this law, you should first consult an attorney. However you choose to use this information is with your full responsibility and at your own risk.

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Anti-Telemarketing Resources

- [TCPALaw.com](#) - the leading source for TCPA legal research and for a list of lawyers familiar with TCPA cases
- [Private Citizen, Inc.](#) - The service to stop junk calls and junk mail from invading your privacy.
- [Electronic Privacy Information Center](#) - Focusing public attention on emerging privacy and civil liberties issues
- [Privacy Rights Clearinghouse](#) - nonprofit Consumer Information and Advocacy Organization
- [Californians Against Telemarketing Solicitations \(C.A.T.S.\)](#) - No law, statute, rule, or ordinance will stop telemarketers as effectively as the law of economics. When they don't make any profit, the calls will stop.
- [Reporters Committee For Free of the Press](#) - Guide to Tape Recording Telephone Calls
- [Nolo Press](#) - Legal Solutions for You, Your Family & Your Business
- [Junkfaxes.org](#) - resources relating to junk facsimile advertisements

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Telemarketing Statistics

- 98% of 1.78 million responding to one on-line survey said telemarketing calls made them "angry".
- Half of Californians polled in a survey said interruptions from telemarketers irked them more than sitting in traffic, doing their taxes, or waiting in line at the DMV.
- The Federal Trade Commission received 17,423 complaints about telemarketers in 1999 – an eight-fold increase over the 2,260 reported in 1997.
- Telemarketers place 148 million junk calls a day according to Private Citizen.
- In 2000 the Direct Marketing Association reported receiving 3,789 telemarketing complaints in one 35-day period.
- Telemarketing is a nearly \$500 billion a year business.
- Americans lose \$40 billion a year to fraudulent telemarketers according to the National Fraud Information Center.
- Investment scams alone amount to losses of \$1 million an hour.
- The National Association of Attorneys General estimates about 5,000,000 Americans are defrauded by telemarketers every year and one of five of them do not report the fraud, usually because they are embarrassed.
- 56% of people targeted by telemarketers are 50 or older.
- Charities make more money from selling your name and number ("sucker lists") to the other telemarketing companies than from the donations they collect from calling.
- On average, only 24% of what you donate in response to a telemarketing sales call will actually reach the charity on whose behalf the solicitation is initiated. The professional telemarketing company hired to make the call gets the rest. In the cases where the pledges fail to materialize, the charity can actually lose money to the telemarketer.
- The average American gets called 2 to 3 times per day by a telemarketer.
- The FBI estimates that there are 14,000 illegal sales operations bilking consumers in the United States every day.
- The same telemarketer will often call an elderly person day after day, building a relationship with the target, until he/she thinks a friend, not a stranger is trying to sell them something.
- 92% of the adults in the United States have reported receiving fraudulent telephone offers.
- Fraudulent telemarketers prey on vulnerable consumers with certain characteristics. Unfortunately, the most common victims are the elderly and immigrants, who in worst cases may lose their life savings. But anyone without knowledge and due diligence can fall prey.

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"Can I Tape Record Phone Calls"

NOTE: This is meant as a general discussion concerning electronic recording and its implications. It does not take the place of legal advice from a lawyer in your state when you are confronted with a legal problem.

Click [HERE](#) for the device I use to record wired phone calls.

Click [HERE](#) for the source I use to record wireless phone calls.

There's no better way to document the facts of a telemarketing call than to preserve a recording of the telemarketing call itself. But it can get dicey....in 1998 I was sued for supposed wiretap violations by a telemarketing calling on behalf of Sears after I told them I taped the calls and could prove the violations. Ultimately I prevailed on the wiretap claim and the case was very satisfactorily resolved in my favor.

Both federal and state laws govern the tape recording of phone calls. I happen to live in a state that permits the recording of phone calls and other electronic communications with the consent of at least one party to the call (single party consent) and I tape record all my telemarketing calls.

Keep in mind, however, that this is distinctly different from the laws governing wiretapping and eavesdropping - which is listening in on the conversations of others without their knowledge.

Most people are surprised to learn that all but twelve states have laws that allow the recording of phone calls with the consent of at least one party to the call.

For a detailed discussion, you'll want to read the Reporter's Committee For Freedom of the Press article "[Can We Tape?](#)".

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List

This is but a partial list of what is believed to be the more than 30 collections agencies operated by Thai Han, Jim Phelps and Stewart Phillips in and around Corona, California:

Global AG, LLC
 Reliant Financial Associates (RFA)
 Asset & Capital Mangement (ACM Group)
 Western Capital Group
 Bertrand Mangement Group (aka BM Group aka Bertrand & Associates)
 USC Mediations
 BQR Capital
 Blackstone Capital Group (aka Blackstone Financial Group)
 National FC (aka ISAP aka APRA)
 United CC Holdings
 United Financial Partners
 Bureau of Asset Mangement
 Bureau of Debt Recovery
 Capital Recoveries
 Credit Recoveries
 ABA Inc
 Pacific Larsens Group
 First Grand Holdings LLC
 Capital Nation Services LLC
 American FC LLC
 One FC LLC
 Credit MP LLC
 United CC LLC
 Portfolio MG LLC
 Edison & Park Management Group LLC
 Financial Portfolio Company LLC
 First Planners United LLC
 Asset Portfolio Partners LLC
 United Services Partnership LLC

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First United Holdings LLC

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Your Name (required)

Your Email (required)

Subject

Your Message

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